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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DONALD CLYBURN, )  
 )  
Defendant. )

No. CR 07-0473 PJH

THE UNITED STATES' NOTICE OF  
FILING DECLARATION REGARDING  
DEFENDANT'S MEDICAL CARE

PLEASE TAKE NOTICE that the United States has filed herewith the Declaration of Dr. Belen Ezaz, attached hereto as Exhibit 1, regarding medical care provided to defendant Donald Clyburn and for the Court's reference during the hearing on this matter.

DATED: April 16, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
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/s/ Owen Martikan  
OWEN P. MARTIKAN  
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# EXHIBIT 1

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
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Attorneys for the Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 DONALD CLYBURN,

17 Defendant.

No. 07-CR-00473-PJH

DECLARATION OF DR. BELEN EZAZ

I, Dr. Belen Ezaz, do declare and state the following:

1. I am a licensed physician currently employed as the Clinical Director for the Federal Correctional Institution ("FCI") at Dublin, California, Federal Bureau of Prisons ("BOP"). FCI Dublin is comprised of a low security facility for females, a minimum security camp for females, and a jail that houses males that is referred to as the Federal Detention Center ("FDC"). I have held this position since January of 2000. Prior to FCI Dublin, I was the Medical Officer at the Federal Medical Center ("FMC") at Fort Worth, Texas, which is a correctional facility that is also a fully accredited hospital. Before joining the BOP in 1994, I worked in different capacities (e.g., physician, surgeon, emergency room, etc., ) at the California Medical Facility ("CMF") located in Vacaville, California. Prior to CMF, I was a Senior Medical Officer for the United States Navy.

2. As the Clinical Director for FCI Dublin, I oversee the medical care provided to inmates. In addition to providing direct care to inmates, I also oversee a staff physician and several physician assistants. We also utilize a variety of contracted specialists who come in regularly, and are available for consultation.

3. I am familiar with inmate Donald Clyburn, Register No. 90444-111, who is currently incarcerated at FDC Dublin. Mr. Clyburn is a United States Marshals Service ("USMS") inmate as he has not yet been designated to a BOP facility for service of his sentence. The USMS routinely places pretrial inmates, or other individuals who are being held temporarily pending other proceedings, at FDC Dublin, and we provide for their care in accordance with established BOP policies and procedures.

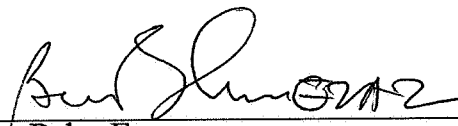
4. On March 27, 2008, I personally examined Mr. Clyburn. At that time, he was already prescribed pain medication (Acetaminophen) for his chest and epigastric pain, inhalers (Albuterol and Baclomethasone) for his asthma, allergy drops for his eyes (Naphazoline/Pheniramine), and medication (Ranitidine) for his reflux issues. After my examination, discussion with the patient, and review of intake screening forms that indicated he was taking Lotemax for flare ups of iritis, I consulted by telephone with our contract ophthalmologist, Dr. Jonathan Savell, who approved the

1 the equivalent version of Lotemax, which is Maxitrol eye drops. Subsequently, on March 27,  
2 2008, I prescribed Maxitrol for Mr. Clyburn. Dr. Savell did not indicate there was an imminent  
3 need for Mr. Clyburn to be seen by an ophthalmologist. On or just before April 11, 2008, I  
4 became aware of a letter dated March 24, 2008, from Dr. Lillie A. Mosaddegh, an  
5 ophthalmologist who provided care for Mr. Clyburn, who recommended eye drops (Lotemax and  
6 Homatropine) when his iritis flares up. Because of Dr. Mosaddegh's letter and the attached  
7 prescription for Lotemax and Homatropine, I also prescribed Homatropine drops for Mr. Clyburn  
8 on April 11, 2008.

9 5. Mr. Clyburn was scheduled to be seen by Dr. Savell on April 4, 2008. However, we  
10 were not aware that Dr. Savell would be on vacation and unavailable to make his routine visit to  
11 FCI Dublin. Dr. Savell is scheduled to resume his regular visits to FCI Dublin on or about May  
12 2, 2008, and should be available to examine Mr. Clyburn at that time.

13 6. Every inmate at FDC Dublin, including Mr. Clyburn, can request access to medical  
14 staff at any time. I have physician assistants who visit FDC Dublin on a daily basis. If  
15 Mr. Clyburn's condition changes, the physician assistants can assess and refer the matter to myself  
16 or my staff physician for further review and action.

17 I declare under the penalty of perjury, pursuant to Title 28, United States Code, Section  
18 1746, that the foregoing is true and correct to the best of my information, knowledge and belief.  
19 Executed this 15<sup>th</sup> day of April, 2008, at Dublin, California.

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21   
22 Dr. Belen Ezaz  
23 Clinical Director  
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